

RULE 305

State Mandated Fees

(A) General

(1) Purpose

- (a) Fees for specified State purposes are imposed or authorized by the legislature, whereby the District is obligated to perform specified tasks including, but not limited to, the collection of fees. Some of these fees are required to be transmitted to the State while others are to be utilized to offset District costs to perform mandated functions. The purpose of this Rule is to require the District to collect State mandated fees where such fees, collection dates, penalties or similar details are precisely described by State law or regulation. Such fees include, but are not limited to, the fees indicated in Sections (C) through (E) below.

(2) General Requirement

- (a) The APCO shall collect State mandated fees as set forth in this Rule, the applicable State law or in the applicable regulation. The APCO shall thereafter transmit to the State or otherwise utilize such fees pursuant to the requirements of the applicable State law or regulation.

(B) Definitions

For the purposes of this Rule the following Definitions apply:

- (1) “Air Pollution Control Officer” (APCO) - The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health & Safety Code §40750, and his or her designee.
- (2) “California Air Resources Board” (CARB) - The California State Air Resources Board, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
- (3) “District” - The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103.

(C) Air Toxics "Hot Spots" Information And Assessment Fees

(1) Applicability

- (a) Facilities subject to the Air Toxics "Hot Spots" Information and Assessment Act (the "Act") are subject to an annual fee to recover the reasonable anticipated costs incurred by the California Air Resources Board, the District, and the State Department of Health Services, in implementing and administering the Act (Part 6, Division 26 of the California Health and Safety Code, commencing with §44300).

(2) Additional Definitions

- (a) For purpose of this Section, the definitions and applicability provisions of Health & Safety Code §§44300 et seq. and any regulations adopted pursuant thereto shall apply in addition to those definitions contained in section (B) above. In case of a conflict between definitions those definitions found in the Health & Safety Code and California Code of Regulations shall control.

(3) Fee Requirements

- (a) Owner/Operators of facilities subject to the Act shall pay the appropriate annual fee, if such fee is adopted by CARB pursuant to, and for the purpose described, within the Act. Otherwise, owner/operator shall pay the appropriate annual fee as specified in the applicable District Rule, if such rule is adopted by the District pursuant to the Act.
- (b) The APCO, upon notification by CARB, shall advise the owner/operator of the amount due, by personal service or by deposit, postage prepaid, in the United States mail.
- (c) Owner/Operators shall pay to the District, for deposit in the District's treasury, the appropriate fee within sixty (60) days of receipt of the notice. The District shall retain the District portion of the total fee, if any, and forward the remainder of the fee as provided for in the Act and any regulations duly adopted thereto.
- (d) If the appropriate fee has not been received within the sixty (60) day period following the notice to pay, the APCO may take such actions as are deemed appropriate, including the revocation of operating permits. Reinstatement of such permits may require compliance with all applicable Rules and Regulations of the District, and payment of all fees specified within this Regulation plus an administrative civil penalty of a value not to exceed the assessed fee(s) described in subsection (C)(3)(a) above.

(D) Nonvehicular Source Fees

(1) Applicability

- (a) Facilities which emit 500 tons or more of any nonattainment pollutant or precursor during the most recent calendar year for which emission estimates are available for all affected air districts and which are identified by CARB as subject to Nonvehicular Source Fees pursuant to the provisions of 17 California Code of Regulations §90800.8 subject to an annual fee for purposes of the California Clean Air Act when such fee is authorized by the legislature.

(2) Additional Definitions

- (a) For the purposes of this section the definitions contained in 17 California Code of Regulations §90801 apply in addition to those definitions contained in section (B) above. In case of a conflict between definitions those definitions found in the Health & Safety Code and California Code of Regulations shall control.

(3) Fee Requirement

- (a) Owner/Operators of facilities determined to be subject to Nonvehicular Source Fees shall pay the appropriate annual fee as calculated by CARB pursuant to applicable regulations in any year in which such fee is authorized by State law.
- (b) The APCO, upon notification by CARB, shall advise the owner/operator of the amount due, by personal service or by deposit, postage prepaid, in the United States mail.
- (c) Owner/Operators shall pay to the District, for deposit in the District's treasury, the appropriate fee within sixty (60) days of receipt of the notice.
- (d) If the appropriate fee has not been received within the sixty (60) day period following the notice to pay, the APCO may take such actions as are deemed appropriate, including the revocation of operating permits. Reinstatement of such permits may require compliance with all applicable Rules and Regulations of the District, and payment of all fees specified within this Regulation plus an administrative civil penalty of a value not to exceed the assessed fee(s) described in subsection (D)(3)(a) above.

(E) Registered Portable Equipment Inspection Fee

(1) Applicability

- (a) The fees set forth in this section shall apply to equipment registered and regulated pursuant to the Statewide Portable Engine and Equipment Registration Program established by CARB pursuant to the provisions of Health & Safety Code §§41750 et seq and the regulations promulgated thereto.

(2) Additional Definitions

- (a) For the purposes of this section the definitions contained in Health & Safety Code §41751 and 13 California Code of Regulations §2452 apply in addition to those definitions contained in section (B) above. In case of a conflict between definitions those definitions found in the Health & Safety Code and California Code of Regulations shall control.

(3) Fee Requirement

(a) Annual Inspection Fee

- (i) The Owner/Operator of registered portable engine(s) or equipment unit(s) shall pay an annual inspection fee of \$75.00 for each registered portable engine or equipment unit inspected by the District.
- (ii) Registered portable engine(s) or equipment units(s) shall only be subject to the annual inspection fee once per calendar year.
- (iii) After an inspection of the registered portable engine(s) or equipment unit(s) has been performed, the APCO shall notify the owner/operator of the fee and the amount due under this section by personal service or by deposit, postage prepaid, in the United States mail.
- (iv) If the appropriate fee is not received within 90 days of the notice of such fees the APCO may take any and all appropriate enforcement action.

(b) Additional Inspection Fee

- (i) The Owner/Operator of of registered portable engine(s) or equipment unit(s) shall pay an Additional Inspection Fee of \$75.00 for each registered portable engine or equipment unit for which a Notice of Violation has been issued for each additional inspection necessary to conduct the investigation and resolve the Notice of Violation.
 - a. Such Additional Inspection Fee shall not be imposed for the initial inspection in which the violation alleged in the Notice of Violation was discovered.
 - b. In no event shall the total Additional Inspection Fee exceed the actual costs, including staff time, of the District for conducting the investigations and resolving any violations.
- (ii) After an inspection of the registered portable engine(s) or equipment unit(s) has been performed, the APCO shall notify the owner/operator of the fee and the amount due under this section by personal service or by deposit, postage prepaid, in the United States mail.
- (iii) If the appropriate fee is not received within 90 days of the notice of such fees the APCO may take any and all appropriate enforcement action.

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